

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

Claims Status

Claims 2-7 are pending in this Application.

Claim 2 has been amended herein to recite that the judging section is a judging means and that the transmitting section is a transmitting means. Furthermore, Claim 3 has been amended because of the amendments made to Claim 2.

Claim 6 is a newly added claim wherein each of the sections are defined as "means for" in accordance with 35 USC 112.

Claim 7 mirrors the wording of Claim 2 but adds a limitation that the device comprises a computer having the various sections. Probably, the best support for Claim 7 can be seen in Figure 1 where it calls the device a "computer device".

101 Rejection

Claims 2-5 had been rejected under 35 USC 101 as being not directed to statutory subject matter. Specifically, the Examiner took the position that the claims are directed simply to abstract ideas and no hardware was involved.

Applicants traverse this rejection on a number of grounds.

First, Claim 1 now recites both a judging means and a transmitting means and, in accordance with 35 USC 112, such means are considered to be hardware.

Second, Claim 6 recites the device as containing a plurality of different means and again, in accordance with 35 USC 112, it is deemed that such means and the term "device" are conventional hardware-type terms.

Finally, Claim 7 specifically calls for a computer having the various sections. A computer is clearly hardware.

The present Invention creates files in which images are stored, albeit, they are electronic files and the storage of electronic images. These are not abstract ideas but, rather, concrete portions of information which provide useful and tangible results, namely, electronic files with images therein. Respectfully, the claims, as presented herein, are directed to patentable subject matter and do provide useful concrete and tangible results.

103 Rejection

Claims 2-5 are rejected as being unpatentable over Sawdon in view of Russon. From the Examiner's comments in paragraph 11a) on page 6 of the Office Action, it appears that the Examiner has put no weight on the limitation of the judging section and the transmitting section. In order to specifically address this point by the Examiner, Claim 2 has been amended herein to recite that the judging section is a judging means and the transmission section is a transmitting means. Thus, in accordance with 35 USC 112, it is submitted that the Examiner must take into consideration these limitations because they are positive limitations. It is submitted that Russon does not teach any device or hardware that judges whether the file is a photograph from a digital camera or an image captured from a film scanner. The recitation to Column 1, lines 57-60, simply refers to digital camera images. There is no teaching or suggestion in Russon that his device makes a determination or judges whether the image came from a digital camera or from a film scanner.

Furthermore, since Russon does not judge whether the image is from a digital camera or a film scanner, he does not have a means for transmitting a message to ask the user to

input the date of the captured file where the image came from a film scanner. Russon does not process both digital camera images and film scanning images. Russon specifically states that his system takes no further action if it cannot find metadata in its files, see Column 6, lines 45-47. Thus, Russon is not transmitting a message to the user to ask for the date of capture of the image where the image comes from a film scanner.

Respectfully, the present Invention, as claimed, is patentable over the cited references taken alone or in combination.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

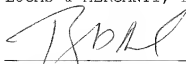
Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition or to consider the enclosed Information Disclosure

Statement, appropriate requests are hereby made and
authorization is given to debit Account #02-2275.

Respectfully submitted,

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